

ARTICLE 9

CURFEW HOURS FOR MINORS

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ARTICLE 9

CURFEW HOURS FOR MINORS

SEC. 4-9.00 DEFINITIONS. For the purpose of this article, certain words and phrases are defined, and certain provisions shall be construed as herein set out, unless it shall be apparent from their content that a different meaning is intended:

- a. 'Curfew hours' means:
 - (1) 10:00 p.m. on any Sunday, Monday, Tuesday, Wednesday, or Thursday until 6:00 a.m. of the following day; and
 - (2) 12:01 a.m. until 6:00 a.m. on any Saturday or Sunday.
- b. 'Emergency' means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.
- c. 'Guardian' means:
 - (1) A person who, under court order, is the guardian of the person of a minor; or
 - (2) A public or private agency with whom a minor has been placed by a court.
- d. 'Minor' means any person under 18 years of age.
- e. 'Parent' means a person who is:
 - (1) A natural parent, adoptive parent, or step-parent of another person; or
 - (2) At least 18 years of age and authorized by a parent or guardian to have the care and custody of a minor.
- f. 'Public place' means any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, and shops.
- g. 'Remain' means to:
 - (1) Linger or stay, whether on foot or in a vehicle; or
 - (2) Fail to leave premises when requested to do so by a police officer or the

owner, operator, or person in control of the premises.

SEC. 4-9.01 OFFENSES.

- a. A minor commits an offense if he or she remains in any public place within the City during curfew hours.
- b. A parent or guardian of a minor commits an offense if he or she knowingly permits, or by insufficient control allows, the minor to remain in any public place within the City during curfew hours.

SEC. 4-9.02 LIMITATIONS TO OFFENSES. The offenses listed in section 4-9.01 are limited and shall not apply in the following circumstances:

- a. When the minor is accompanied by the minor's parent or guardian;
- b. When the minor is on an errand at the direction of the minor's parent or guardian, without any detour or stop;
- c. When the minor is in a motor vehicle involved in interstate travel, or other travel not in violation of this article;
- d. When the minor is engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;
- e. When the minor is involved in an emergency;
- f. When the minor is on the sidewalk abutting the minor's residence or abutting the residence of a next-door neighbor if the neighbor did not complain to the police department about the minor's presence;
- g. When the minor is attending a school, religious, or other recreational activity, such as a movie, play, concert, or sporting event, or going to or returning home from such activity;
- h. When the minor is exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly; or
- i. When the minor is married or has been emancipated in accordance with California Family Code sections 7000 et seq.

SEC. 4-9.03 ENFORCEMENT. Before taking any enforcement action under this section, a police officer shall ask the apparent offender's age and reason for being in the public place. The officer shall not issue a citation or make an arrest under this section unless the officer reasonably believes that an offense has occurred, as set forth above.

SEC. 4-9.04 PENALTIES. A person who violates a provision of this article is guilty of a separate offense for each day or part of a day during which the violation is committed, continued, or permitted. Each offense, upon conviction, is punishable by a fine not to exceed \$500.